

FILED

2010 JUN 10 In the United States District Court
U.S. DISTRICT COURT
For the Northern District of Alabama

FORM FOR USE IN APPLICATION FOR
HABEAS CORPUS UNDER 28 U.S.C. § 2254

CV-10-J-1472-W

(To be supplied by the Clerk of the District Court)

Silas Reed #177395

Full Name of Plaintiff-Petitioner

Ventress Unit

Place of Confinement

VS.

Warden J.C. Giles

(Name of Warden, Superintendent, Jailer, or authorized
person having custody of petitioner)

and

THE ATTORNEY GENERAL OF THE STATE OF ALABAMA,

Respondents

(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 USC § 2255, in the federal court which entered the judgment.)

PETITION FOR WRIT OF HABEAS CORPUS BY A
PERSON IN STATE CUSTODY

INSTRUCTIONS -- READ CAREFULLY

- (1) This petition must be legibly handwritten or typewritten and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Do not use this form unless you were convicted in one of the following counties: BIBB, BLOUNT, CALHOUN, CHEROKEE, CLAY, CLEBURNE, COLBERT, CULLMAN, DeKALB, ETOWAH, FAYETTE, FRANKLIN, GREENE, JACKSON, JEFFERSON, LAMAR, LAUDERDALE, LAWRENCE, LIMESTONE, MADISON, MARION, MARSHALL, MORGAN, PICKENS, SHELBY, ST. CLAIR, SUMTER, TALLADEGA, TUSCALOOSA, WALKER, WINSTON.

- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary filing fee, you may request permission to proceed *in forma pauperis*, in which event you must execute the declaration on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefor.
- (5) Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and two copies must be mailed to the Clerk of the United States District Court for the Northern District of Alabama, 104 Federal Courthouse, 1800 Fifth Avenue, North, Birmingham, Alabama 35203.
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PETITION

1. Name and location of court which entered the judgment of conviction under attack
PICKENS COUNTY, Alabama
2. Date of judgment of conviction Pending detainer for failure to register
3. Length of sentence Pending Detainer
4. Nature of offense involved (all counts)

5. What was your plea? (Check one)
 - (a) Not guilty ()
 - (b) Guilty () *PENDING*
 - (c) Nolo contendere ()
 If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. Kind of trial: (Check one)
 - (a) Jury ()
 - (b) Judge only () *PENDING Detainer*
7. Did you testify at the trial?
Yes () No (✓)

8. Did you appeal from the judgment of conviction?

Yes () No ()

9. If you did appeal, answer the following:

- (a) Name of court INApplicable
(b) Result _____
(c) Date of result _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes () No ()

11. If your answer to 10 was "yes," give the following information:

- (a)(1) Name of court INApplicable
(2) Nature of proceeding _____
(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

- (1) Name of court INApplicable
(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(c) As to any third petition, application or motion, give the same information:

- (1) Name of court INApplicable
(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(d) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc Yes () No ()

(2) Second petition, etc Yes () No () *Inapplicable*

(3) Third petition, etc Yes () No ()

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not: _____

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand jury or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

(K) State of Alabama failing to comply with their obligation to take me to Court. (See attached pages)

A. Ground one:

See Attached pages

Supporting FACTS (tell your story briefly without citing cases or law):

B. Ground two:

Supporting FACTS (tell your story briefly without citing cases or law):

C. Ground three:

Supporting FACTS (tell your story briefly without citing cases or law):

D. Ground four:

Supporting FACTS (tell your story briefly without citing cases or law):

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: inapplicable

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes () No (✓)

15. Give the name and address, if known, of each attorney who represented you in following stages of the judgment attacked herein:

(a) At preliminary hearing None at this time

- (b) At arraignment and plea SAME
- (c) At trial SAME
- (d) At sentencing SAME
- (e) On appeal NONE
- (f) In any post-conviction proceeding NONE
- (g) On appeal from any adverse ruling in a post-conviction proceeding NONE

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: Tuscaloosa County, Alabama

(b) And give date and length of sentence to be served in the future: EOS
on July 16, 2011

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

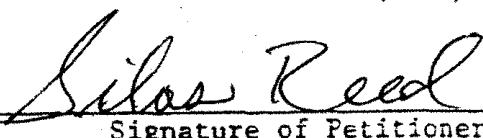
Yes No

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on _____.

(Date)



Signature of Petitioner

IN THE UNITED STATES DISTRICT
COURT OF THE NORTHERN DISTRICT
OF ALABAMA

FILED

Silis Reed,
Petitioner,

2010 JUN 10 P 4:24

Vs.

Case No. U.S. DISTRICT COURT
N.D. OF ALABAMA

Warden J. C. Giles, et. al.,
Respondents.

CV-10-J-1472-W

PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW the Petitioner, Silis Reed, (hereinafter Reed), in the above styled cause of action, and moves this Court to grant said relief on the following grounds to wit:

STATEMENT OF THE CASE AND FACTS

1. Reed is presently serving a 15 year sentence, with a Split Sentence of Three (3) years to serve and 12 years of probation within the Alabama Department of Corrections, (ADOC), from Tuscaloosa County, Alabama.

2. Reed has a detainer from Pickens County, Alabama on the criminal accusation, "Community Notification Act" Violation. (See Exhibit A)

3. The Writ of Arrest issued for Reed is pending and Reed is unable to exercise any custody reduction in the ADOC's and further any rehabilitative goals, due to the respondents failure to comply with their "Obligation" to take him to Court and afford him the Due Process in Adjudication of the Detainer...., By holding a Revocation Hearing/Bench Trial.

4. Reed had repeatedly requested of the State of Alabama to bring him to Pickens County, Alabama to exercise his right to Adjudication of the pending Warrant for his Arrest.

5. Reed avers he is innocent of said charge, as he was unaware that the law requires his compliance as it wasn't in effect at the time of his original conviction. Requiring that he register as a Sex Offender.

REASON WHY RELIEF SHOULD BE GRANTED

Reed avers that the Respondents has a "Obligation" to take him to trial on the p Detainer, as provided by his Sixth Amendment Right of the United States Constitution This Right was defined in Braden Vs. 30th Judicial Cir. Ct., 410 U.S. 484 (1973):

"The prisoner does not seek in the habeas corpus proceedings to litigate a federal defense to a criminal charge or to forestall a state prosecution, but only to demand enforcement of a State's affirmative Constitutional obligation to bring him promptly to trial."

Reed doesn't seek to dismiss this warrant or charge the Respondents have pending against him. But, only seeks this federal court to enforce upon the State of Alabama to comply with its 'Constitutional Obligations to take him to trial.' Or, show unto this Court why it is depriving Reed his Sixth And Fourteenth Amendment Rights of the United States Constitution.

WHEREFORE, for the above said reasons Reed prays to this Court to appoint Counsel and issue an order to show cause why the requested relief within this Petition for Writ of Habeas Corpus shouldn't be granted within 21 days.

Respectfully Submitted,


Silas Reed
Silas Reed
Ventress Correctional Facility
P.O. Box 767
Clayton, Al. 36016

cc: file
sr

WRIT OF ARREST - GRAND JURY INDICTMENT

STATE OF ALABAMA

PICKENS COUNTY

CIRCUIT COURT

AGENCY NUMBER:

WARRANT NUMBER: GJ 2006 000115.00
OTHER CASE NBR: CC-06-102

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST SILAS REED AND BRING HIM/HER BEFORE THE CIRCUIT COURT OF PICKENS COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

COMM NOTIF ACT-MINOR CLASS: C TYPE: F COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE
13 DAY OF April 2006, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 21 DAY OF MARCH, 2006.

770-799.980

BOND SET AT: (1) \$5,000.00 BOND TYPE:
(2) _____
(3) _____*Bogart*
JUDGE/CLERK/MAGISTRATE OF CIRCUIT COURT

CHARGES: COMM NOTIF ACT-MINOR 015-020-026(C) F FELONY

NAME: SILAS REED ALIAS:
ADDRESS: 812 WEST PARK CIRCLE ALIAS:
ADDRESS: LOT #5
CITY: ALICEVILLE STATE: AL ZIP: 35442 0000
PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 01 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 5'07" WEIGHT: 180
SID: 00000000 SSN: NUM:

EXECUTION

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

() PLACING DEFENDANT IN THE PICKENS COUNTY JAIL

(X) RELEASING DEFENDANT ON APPEARANCE BOND
*** APPEARANCE DATE: 04/13/2006 TIME: 09:00 AM PLACE: *

THIS 11 DAY OF April

*April**2006*

SHERIFF

BY

COMPLAINANT: DEBRA ABSTON
PICKENS CO SHERIFFS DEPT
CARROLLTON AL 35447

OPERATOR: REJ DATE: 03/21/2006

Exhibit A